

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants thank the Examiner for confirming the acceptability of the filed drawings, and for acknowledging the claim for foreign priority. However, the Examiner indicates that a certified copy of the priority document has not been filed. Applicants note that the present application is a U.S. National Stage application of International Application No. PCT/JP05/07413. As a result, the International Bureau should have forwarded the certified copy of the priority document to the U.S. Receiving Office. The Examiner is respectfully requested to confirm that the certified priority document has been received from the International Bureau in the next official communication.

Claim 3 is objected to as containing a minor informality. Applicants thank the Examiner for noting the error, and herein amends claim 3 to address the concern raised by the Examiner. In view of the current amendment to claim 3, Applicants submit the ground for the objection no longer exists and respectfully requests withdrawal of this claim objection.

Claim 2 stands rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter regarded as Applicants' invention. By the current response, claim 2 is amended, paying particular attention to the concerns raised by the Examiner. In view of the amendment to claim 2, Applicants submit that the ground for the 35 U.S.C. §112, second paragraph rejection no longer exists, and respectfully requests its withdrawal.

Applicants respectfully traverse the 35 U.S.C. §103(a) rejection of claims 1-3 and 5-8 as being obvious over U.S. Patent 3,755,679 to OTSUKA in view of U.S. Patent 4,142,075 to OLSCHESKI, and the 35 U.S.C. §103(a) rejection of dependent claims 4 and 9 as being obvious over OTSUKA in view U.S. Patent 6,344,641 to BLALOCK.

In rejecting independent claims 1 and 6, the Examiner asserts that OTSUKA teaches every feature but for the light emitting element being mounted on the semiconductor chip and that the semiconductor chip includes a light emitting element driving circuit and a temperature detecting device. The Examiner cites OLSCHEWSKI to supplement the above missing element to render the subject invention obvious. Applicants respectfully disagree.

Applicants submit that the Examiner is mistaken in believing that OLSCHEWSKI discloses a semiconductor chip having a driving circuit and a temperature detecting device, as defined in Applicants' independent claims 1 and 6. Though OLSCHEWSKI discloses that a light emitting diode is mounted on a silicon semiconductor chip (see, for example, column 12, lines 58-60 of OLSCHEWSKI), Applicants submit that OLSCHEWSKI fails to disclose or suggest that the semiconductor chip comprising a temperature detecting device, as required by Applicants' claims. Further, Applicants submit that OLSCHEWSKI fails to even remotely disclose or suggest a need to detect the temperature of any component therein.

Applicants further submit that the thermistor in OTSUKA differs from Applicants' claimed temperature detecting device. A thermistor is a temperature-sensitive resistor whose resistance changes with the ambient temperature. The thermistor in OTSUKA must be physically connected to the light emitting diode to perform its function, namely, to resist the effect of the negative temperature coefficient of the light emitting diode, and thus make the light emitting diode stable and insensitive to temperature changes (see, for example, columns 1-2 of OTSUKA). On the other hand, Applicants' claimed temperature detecting device is disposed (referring to the disclosed embodiment in the specification, which is non-limiting) in P-type silicon substrate 132, and thus, is separated from light emitting elements 111a,b by insulating film 131. Therefore, Applicants submit that the claimed temperature device does not physically connect to any light emitting element. Further, contrary to the

Applicants' claimed semiconductor, the semiconductor light source/circuit in OTSUKA does not cease to drive the light emitting element under any circumstances, even when the light emitting element is overheated.

In view of the above, Applicants submit that even if one attempted to combine OTSUKA and OLSCHESKI in the manner suggested by the Examiner, such combination would fail to disclose at least that the semiconductor chip comprises a temperature detecting device, as recited in independent claims 1 and 6. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of independent claims 1 and 6, along with their respective dependent claims.

With respect to claims 4 and 9, Applicants believe the Examiner intended to indicate the claims stand rejected as being obvious over OTSUKA and OLSCHESKI and further in view of BABLOCK. Claims 4 and 9 depend from independent claims 1 and 6, respectively. The Examiner acknowledged in the Office Action that OTSUKA fails to disclose or suggest but Applicants' claimed feature (in independent claims 1 and 6) of the light emitting element being mounted on the semiconductor chip and that the semiconductor chip includes a light emitting element driving circuit and a temperature detecting device. BABLOCK is not relied upon as teaching this feature. In any event, Applicants submit that BABLOCK fails to disclose that which is lacking in OTSUKA and OLSCHESKI. Further, claims 4 and 9 depend from independent claims submitted to be allowable, and thus, are submitted to be allowable for at least the same reasons applicable to claims 1 and 6.

Applicants also submit new claims 10-12 for the Examiner's consideration. These claims further define the invention defined by claim 1, and are submitted to be allowable for the same reasons discussed above with respect to claim 1. Accordingly, the Examiner is respectfully requested to indicate the allowability of claims 10-12 in the next official communication.

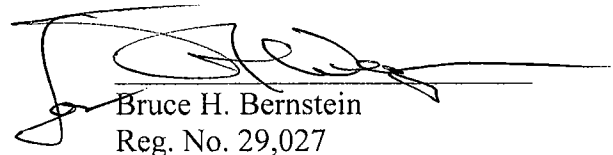
SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Shusaku GOTOU et al.



Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Steven Wegman
Reg. No. 31,438